

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CYNTHIA J. FOGLE,)
Plaintiff,)
v.) CAUSE NO. 1:13-CV-311
LINCOLN NATIONAL LIFE INSURANCE)
COMPANY,)
Defendant.)

OPINION AND ORDER

Before the Court is a Joint Motion for Agreed Protective Order (Docket # 20), seeking approval of the proposed Agreed Protective Order submitted by the parties pursuant to Federal Rule of Civil Procedure 26(c). Although the proposed Order is limited to pre-trial discovery only—and thus, an additional Court order is required for any document to be filed under seal—the proposed Order still has one deficiency that precludes its approval.

Paragraph 12 of the proposed Order provides that the Court will retain jurisdiction to make any amendments or resolve disputes concerning the disposition of materials at the termination of the action. But the Court is unwilling to enter a protective order that suggests the Court retain jurisdiction of any kind after the resolution of the case. *E.E.O.C. v. Clarice's Home Care Serv., Inc.*, No. 3:07-cv-601 GPM, 2008 WL 345588, at *2 (S.D. Ill. Feb. 7, 2008) (encouraging the parties to make a contractual agreement among themselves for the return of sensitive documents without court oversight); *see also Large v. Mobile Tool Int'l, Inc.*, No. 1:02-CV-177, 2010 WL 3120254, at *1 (N.D. Ind. Aug. 6, 2010).

Therefore, the Court DENIES without prejudice the Joint Motion for Agreed Protective

Order (Docket # 20) seeking approval of the proposed Agreed Protective Order. The parties may, however, submit a revised protective order that cures the identified deficiency and is consistent with the requirements of Rule 26(c) and Seventh Circuit Court of Appeals case law.

SO ORDERED.

Enter for this 18th day of July, 2014.

S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge